

REMARKS

Claims 1, 2, 6-10, 12, 22, 23 and 41 are pending in this application. By this Amendment, claims 1, 2, 6-9, 12, 22, 23 and 41 are amended, and claims 11, 13, 17-21, 24, 25, 29-34 and 38-40 are canceled without prejudice to or disclaimer of the subject matter set forth therein. Support for the amendments to claims 1, 2, 6-9, 12, 22, 23 and 41 can be found in the specification as originally filed, for example, in paragraphs [0009]-[0012], [0015]-[0019], [0021]-[0026], [0034] and [0037]-[0039], and in claims 1, 2, 6-12 and 20-23 as originally filed. No new matter is added by these amendments.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Claim Rejections Under 35 U.S.C. §112

A. First Paragraph

The Office Action rejects claims 1, 2, 6-13 and 17-23 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. By this Amendment, claims 11, 13 and 17-21 have been canceled; Applicants respectfully request withdrawal of the rejection with respect to these claims.

Although Applicant does not necessarily agree with the rejection of claims 1, 2, 6-10, 12, 22 and 23, Applicants respectfully submit that the claims have been amended to more clearly comply with the written description requirement. In particular, claim 9, from which

claims 1, 2, 6-8, 10, 12, 22 and 23 directly or indirectly depend, has been amended to set forth, in pertinent part, a "carbon monoxide selective oxidizing catalyst comprising a carrier consisting of ferrierite and/or ZSM-5, the carrier comprising pores having a maximum allowable pore diameter of 0.65 nanometers (nm); and a metal component supported on the carrier and which includes one of platinum (Pt) alone and platinum (Pt) and at least one type of transition metal." Applicants respectfully submit that claim 9 clearly complies with the written description. Specifically, claim 9 indicates that the carrier is ferrierite and/or ZSM-5 and that the ferrierite and/or ZSM-5 carrier has a maximum pore diameter of 0.65 nanometers, which is consistent with the disclosures of the specification, for example, paragraphs [0009], [0010] and [0023].

Accordingly, Applicants respectfully submit that claim 9 and its dependant claims 1, 2, 6-8, 10, 12, 22 and 23 fully comply with the written description requirement of §112. Reconsideration and withdrawal of the rejection are respectfully requested.

B. Second Paragraph

The Office Action rejects claims 1, 2, 6-13 and 17-23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. By this Amendment, claims 11, 13 and 17-21 have been canceled; Applicants respectfully request withdrawal of the rejection with respect to these claims.

Although Applicant does not necessarily agree with the rejection of claims 1, 2, 6-10, 12, 22 and 23, Applicants respectfully submit that the claims have been amended to more clearly set forth the subject matter therein. As discussed above, independent claim 9, from which claims 1, 2, 6-8, 10, 12, 22 and 23 directly or indirectly depend, has been amended to set forth, in pertinent part, a "carbon monoxide selective oxidizing catalyst comprising a carrier consisting of ferrierite and/or ZSM-5, the carrier comprising pores having a maximum

allowable pore diameter of 0.65 nanometers (nm); and a metal component supported on the carrier and which includes one of platinum (Pt) alone and platinum (Pt) and at least one type of transition metal." Applicants respectfully submit that claim 9 clearly sets forth the subject matter of the claim. Specifically, claim 9 clearly requires that the carrier is ferrierite and/or ZSM-5 and that the ferrierite and/or ZSM-5 carrier has a maximum pore diameter of 0.65 nanometers, consistent with the disclosures of the specification, for example, paragraphs [0009], [0010] and [0023]. Clearly, ferrierite and/or ZSM-5 carriers that have pores that are not larger than 0.65 nanometers are included in the scope of the claims.

Accordingly, Applicants respectfully submit that claim 9 and its dependant claims 1, 2, 6-8, 10, 12, 22 and 23 are not indefinite under §112, second paragraph. Reconsideration and withdrawal of the rejection are respectfully requested.

II. Claim Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1, 2, 6-8, 11-13, 17-19, 22, 23 and 41 under 35 U.S.C. §102(b) over U.S. Patent No. 5,208,198 to Nakano et al. The Office Action also rejects claims 11-13, 17-19, 22, 23 and 41 under 35 U.S.C. §102(b) over U.S. Patent No. 4,485,185 to Onodera et al.

By this Amendment, claims 11, 13 and 17-19 have been canceled. Applicants respectfully submit that the rejection is moot and request that the rejection be withdrawn with respect to these claims.

Also by this Amendment, claims 1, 2, 6-8, 12, 22, 23 and 41 have been amended to depend, directly or indirectly, from allowable independent claim 9. Applicants respectfully submit that claims 1, 2, 6-8, 12, 22, 23 and 41 are patentable over the art of record for at least the same reasons that claim 9 is patentable. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 6-10, 12, 22, 23 and 41 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Julie M. Seaman
Registration No. 51,156

JAO:JMS/jms

Date: May 12, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--